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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,068	01/08/2002	Tomokuni Wauke	9281-4240	3902

7590 10/19/2005  
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EXAMINER

LE, DANG D

ART UNIT PAPER NUMBER

2834

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/042,068	<b>Applicant(s)</b> WAUKE, TOMOKUNI	
	<b>Examiner</b> Dang D. Le	<b>Art Unit</b> 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.  
4a) Of the above claim(s) 3-8, 11-35 and 37-69 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 2, 9, 10, 36 and 70 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/1/05 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 2, 9, 10, 36, 70 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 9, 36, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaeffer (4,315,171) in view of Matsunobu et al. (6,429,565).

Regarding claim 1, Schaeffer shows an inner rotor motor (Figure 22) comprising:

- A rotor having a plurality of permanent magnetic poles circumferentially arranged; and

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- A stator having a stator core that includes a plurality of magnetic pole teeth opposing a circumference of the rotor, a single coil being provided on each of the magnetic pole teeth, the magnetic pole teeth each having a rotor-opposing surface, wherein the stator extends not more than 180 degrees with respect to a central angle of the rotor.

Schaeffer does not show an annular pitch of the rotor-opposing surfaces and an annular pitch of the permanent magnet poles, as measured about an axis of symmetry of the rotor, differ from each other.

Matsunobu et al. shows an annular pitch of the rotor-opposing surfaces and an annular pitch of the permanent magnet poles, as measured about an axis of symmetry of the rotor, differ from each other (Figure 1) for the purpose of reducing cogging torque.

Since Schaeffer and Matsunobu et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make an annular pitch of the rotor-opposing surfaces and an annular pitch of the permanent magnet poles, as measured about an axis of symmetry of the rotor, differ from each other as taught by Matsunobu et al. for the purpose discussed above.

Regarding claims 2, 9, 36, and 70, it is noted that Schaeffer and Matsunobu et al. also shows all of the limitations of the claimed invention.

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5. Claim 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaeffer in view of Matsunobu et al. and further in view of Tamae et al. (4,970,423).

Regarding claim 10, the motor of Schaeffer modified by Matsunobu et al. includes all of the limitations of the claimed invention except for the disk apparatus.

Tamae et al. shows the disk apparatus for the automation purpose.

Since Schaeffer, Matsunobu et al., and Tamae et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize the motor in a disk apparatus as taught by Tamae et al. for the purpose discussed above.

***Information on How to Contact USPTO***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D. Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/14/05

A handwritten signature in black ink, appearing to read 'Dang Le', is written in a cursive style.

**DANG LE**  
**PRIMARY EXAMINER**